

rate application or a separate rate certification within 30 calendar days of the publication of the *Initiation Notice*.

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.<sup>8</sup> Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested, and Commerce did not self-initiate, a review of the China-wide entity in the instant review, the entity is not under review; therefore, the entity's current rate, *i.e.*, 60.85 percent,<sup>9</sup> is not subject to change.

#### Assessment

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, amended (the Act) and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review in the **Federal Register**. Consistent with Commerce's assessment practice in non-market economy cases, if Commerce determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under the exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the China-wide rate.<sup>10</sup>

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which the exporter was reviewed; (2) for all Chinese exporters of subject merchandise which have not

been found to be entitled to a separate rate, the cash deposit rate will be that established for the China-wide entity, which is 60.85 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter with the subject merchandise. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing notice of these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 7, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020-00647 Filed 1-15-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-601]

#### **Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review; and Amended Final Results of Antidumping Duty Administrative Review; 2015-2016**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On December 18, 2019, the United States Court of International Trade (the Court) sustained the final results of redetermination pertaining to the antidumping duty (AD) administrative review of tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (China) covering the period of review (POR) from June 1, 2015 through May 31, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the *Final Results* in the 2015-2016 administrative review of TRBs from China, and that Commerce is amending the *Final Results* with respect to the assignment of a separate rate to Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd. (Zhaofeng).

**DATES:** Applicable December 28, 2019.

**FOR FURTHER INFORMATION CONTACT:** Andrew Medley or Alex Wood, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4987 or (202) 482-1959, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On January 10, 2018, Commerce published the *Final Results* of the 2015-2016 AD administrative review of TRBs from China, in which Commerce determined that Zhaofeng was not eligible for a separate rate because it had misrepresented its reported U.S. sales data.<sup>1</sup> The *Final Results* were appealed to the Court by Zhaofeng, and on December 27, 2018, the Court held that

<sup>1</sup> See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, and Rescission of New Shipper Review; 2015-2016*, 83 FR 1238 (January 10, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM) at Comments 1 and 2.

<sup>8</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65970 (November 4, 2013).

<sup>9</sup> See *Preliminary Results*, 84 FR at 49096.

<sup>10</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

Commerce had not adequately explained how Zhaofeng's misrepresentations of its sales data related to Commerce's separate rate analysis of whether Zhaofeng was independent of government control, and remanded the *Final Results* for a redetermination consistent with the Court's opinion.<sup>2</sup> In accordance with the Court's *Remand Order*, Commerce assigned Zhaofeng a separate rate and applied adverse facts available for Zhaofeng's misrepresentations of its U.S. sales data and its failure to cooperate to the best of its ability, applied the highest previously calculated dumping margin to Zhaofeng, 92.84 percent.<sup>3</sup> On December 18, 2019, the Court sustained Commerce's *Remand Redetermination*.<sup>4</sup> Therefore, the effective date of this notice is December 28, 2019.

#### Timken Notice

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the United States Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's December 18, 2019 judgment sustaining Commerce's *Remand Redetermination* constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act. Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision.

#### Amended Final Results

Because there is now a final court decision, Commerce is amending the

<sup>2</sup> See *Zhejiang Zhaofeng Mechanical and Electric Co., Ltd. v. United States*, 355 F. Supp. 3d 1329, 1333-1335 (CIT December 27, 2018) (*Remand Order*).

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd., v. United States*, Court No. 18-00004, Slip. Op. 18-182 (CIT December 27, 2018), dated April 25, 2019 (*Remand Redetermination*).

<sup>4</sup> See *Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd., v. United States*, Court No. 18-00004, Slip Op. 19-167 (CIT December 18, 2019).

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

*Final Results* to grant Zhaofeng a separate rate. The separate-rate, weighted-average dumping margin determined for Zhaofeng in the *Remand Redetermination* is the same as the weighted-average dumping margin that was determined for Zhaofeng in the *Final Results*, 92.84 percent.

#### Assessment of Antidumping Duties

In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise Zhaofeng exported during the 2015-2016 POR based on the assessment rate equal to the weighted-average dumping margin determined for Zhaofeng by Commerce in these amended final results of review.

#### Cash Deposit Requirements

As of February 26, 2019, Zhaofeng has a superseding cash deposit rate, because it was assigned a separate rate in a completed administrative review for a more recent period of review of this order.<sup>7</sup> Because Zhaofeng has a superseding cash deposit rate, we have not revised its cash deposit rate.

#### Notifications to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: January 10, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020-00643 Filed 1-15-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-888]

#### Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Final Results and Partial Rescission of Countervailing Duty Administrative Review, 2017

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that POSCO, a producer and/or exporter of certain carbon and alloy cut-to-length plate (CTL plate) from the Republic of Korea

<sup>7</sup> See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 84 FR 6132 (February 26, 2019).

(Korea), received net countervailable subsidies during the period of review (POR), April 4, 2017 through December 31, 2017.

**DATES:** Applicable January 16, 2020.

**FOR FURTHER INFORMATION CONTACT:** Bob Palmer or Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-9068 and (202) 482-0339, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 17, 2019, Commerce published the *Preliminary Results* of this administrative review in the *Federal Register*, and invited interested parties to comment.<sup>1</sup> On September 18, 2019, Nucor Corporation (Nucor) submitted pre-verification comments on the record of this administrative review.<sup>2</sup> Between September 23, 2019 and September 27, 2019, we conducted verifications of the questionnaire responses submitted by POSCO and the Government of Korea (GOK). We released verification reports on November 13, 2019.<sup>3</sup> On October 10, 2019, Commerce postponed the final results of review by 57 days until January 10, 2020.<sup>4</sup> On December 2, 2019, Nucor, POSCO, and the GOK submitted timely case briefs.<sup>5</sup> Nucor and POSCO also submitted timely rebuttal briefs on December 9, 2019.<sup>6</sup>

<sup>1</sup> See *Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review, in Part; 2017*, 84 FR 34123 (July 17, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Nucor's Letter, "Comments Regarding Verification of POSCO's Questionnaire Responses," dated September 18, 2019.

<sup>3</sup> See Memoranda, "Verification of the Questionnaire Responses of POSCO" and "Verification of the Questionnaire Responses of the Government of the Republic of Korea," dated November 13, 2019.

<sup>4</sup> See Memorandum, "Extension of Deadline for Final Results of Countervailing Duty Administrative Review," dated October 10, 2019.

<sup>5</sup> See Nucor's Letter, "Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Case Brief," dated December 2, 2019; POSCO's Letter, "Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea, Case No. C-580-888: POSCO's Case Brief," dated December 2, 2019; and GOK's Letter, "Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea, 04/04/2017-12/31/2017 Administrative Review, Case No. C-580-888: Case Brief of the Government of Korea," dated December 2, 2019.

<sup>6</sup> See Nucor's Letter, "Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea: Rebuttal Brief," dated December 9, 2019; and POSCO's Letter, "Certain Carbon and Alloy Steel